

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #10	CCRB Case #: 201900696	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/18/2019 12:50 AM	Location of Incident: Crotona Avenue and Crotona Park North	Precinct: 48	18 Mo. SOL 7/18/2020	EO SOL 3/4/2021	
Date/Time CV Reported Fri, 01/18/2019 10:23 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/18/2019 10:23 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			Unknown
2. An officer			Unknown

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B. An officer	Abuse: An officer frisked § 87(2)(b)	
C. An officer	Abuse: An officer searched § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
E. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
F. Officers	Abuse: Officers failed to provide § 87(2)(b) with a business card.	

Case Summary

On January 18, 2019, § 87(2)(b) filed CCRB complaint number 201900549 over the phone. On January 22, 2019, while providing a sworn statement for 201900549, § 87(2)(b) also filed this complaint. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

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At approximately 12:50 a.m. on January 18, 2019, § 87(2)(b) was walking on Crotona Park North between Clinton Avenue and Crotona Avenue in the Bronx when he was allegedly stopped by three plainclothes officers in an unmarked car (**Allegation A: Abuse of Authority: Stop:** § 87(2)(g)). An officer allegedly frisked and searched § 87(2)(b) (**Allegation B: Abuse of Authority: Frisk:** § 87(2)(g) § 87(2)(b), **Allegation C: Abuse of Authority: Search (of person):** § 87(2)(g) § 87(2)(b)). § 87(2)(b) complained about the officers' actions and an officer allegedly said, "Oh you want to be a smart-ass, we'll take you in and ruin your whole night." (**Allegation D: Discourtesy: Word:** § 87(2)(g), **Allegation E: Abuse of Authority: Threat of Arrest:** § 87(2)(g) § 87(2)(b)).

§ 87(2)(b) did not receive a summons and was not arrested. § 87(2)(b) allegedly did not receive a Right to Know Act business card during this incident (**Allegation F: Abuse of Authority: Failure to Provide RTKA Card:** § 87(2)(g) § 87(2)(b)).

The investigation obtained surveillance video footage relevant to this incident from private, residential cameras (**Board Review 01**) as well as an NYPD TARU camera (**Board Review 02**).

Findings and Recommendations

Allegation A – Abuse of Authority: Officers stopped § 87(2)(b)
Allegation B – Abuse of Authority: An officer frisked § 87(2)(b)
Allegation C – Abuse of Authority: An officer searched § 87(2)(b)
Allegation D – Discourtesy: An officer spoke discourteously to § 87(2)(b)
Allegation E – Abuse of Authority: An officer threatened to arrest § 87(2)(b)
Allegation F – Abuse of Authority: Officers failed to provide § 87(2)(b) **with a business card.**

§ 87(2)(b) provided a sworn statement at the CCRB on January 22, 2019 (**Board Review 03**).

In his sworn statement, § 87(2)(b) stated that he turned a corner, he saw an unmarked silver Ford Fusion driving east on Crotona Park North from the direction of

Arthur Avenue. The Fusion turned north on Crotona Avenue and came to a stop just to the north of the intersection on the eastern side of the street. § 87(2)(b) walked across Crotona Avenue, passing in front of the Fusion. As he reached the yellow dividing lines in the middle of Crotona Avenue, § 87(2)(b) heard one voice say, “Is that him?” and a second voice answer “Yeah.” § 87(2)(b) heard car doors open, and he turned and looked at the Fusion. PO1 (the driver), PO2 (the rear passenger), and PO3 (the front passenger) got out of the Fusion and approached him. PO1 was an approximately 6’4” tall white or Hispanic male, approximately 30 years old, with a heavy or muscular build (weighing approximately 250 to 275 pounds), with little to no facial hair, wearing a bulletproof vest over a grey jacket or sweater and a wool hat. PO2 was an approximately 5’5” tall Indian or Hispanic male with brown skin, approximately 30 years old, weighing 150 pounds with an average build, with short black hair and a black goatee, wearing a “skully” wool hat and a blue bulletproof vest with green lime green “safety stripes” on it. PO3 was an approximately 5’10” tall male. § 87(2)(b) did not obtain any paperwork or business cards from the officers or learn any of their names, ranks, shield numbers, or commands.

The investigation obtained surveillance video from a deli on the block where this incident occurred (**Board Review 01**). The CCRB Field Team was unable to safely reach the DVR inside of the deli due to its elevated position, and had to record the screen of the deli security system’s monitor with a cellphone. However, even on the monitor the Field Team was unable to see the faces of any involved people or the license plate on the vehicle.

The undersigned investigator reviewed the video frame-by-frame using Input Ace, and was unable to distinguish any faces or a license plate. However, the video corroborates the approximate fact pattern described by § 87(2)(b)

The investigation also obtained video from an NYPD TARU camera positioned approximately one to two blocks away from the incident (**Board Review 02**). The silver police vehicle and the incident are visible, and the video appears to show the same activity as captured in the deli’s video. The video suffers from quality issues, including significant lags and frame-tearing when viewed in either its original Genetech format or an .mp4 export. The video quality is too low to read the vehicle license plate or identify any officer.

The investigation requested a warrant audit for § 87(2)(b) by name and date of birth to obtain a list of officers who had searched his name in NYPD databases. However, the warrant audit yielded negative results (**Board Review 04**).

This incident happened directly on the boundary between the 42nd and 48th Precincts and within the enforcement territory of Patrol Boro Bronx anti-crime units, the Bronx Gang Squad, the Bronx Narcotics Boro, and the Strategic Response Group (SRG). Accordingly, the investigation requested documents from these commands to try to identify the subject officers.

The investigation obtained UF-250 (Stop and Frisk Report) logs for the 42nd and 48th Precincts, EVENT listings for 911 calls within those Precincts, and the Resource

Recap Logs (RRLs) associated with those EVENTS (**Board Review 05**). The UF-250 logs showed no stop-and-frisk incidents on the incident date or at the incident location. The EVENT listings and RRLs also showed no apparently relevant incidents.

The investigation also obtained Automatic Vehicle Locator (AVL) records from the 48th Precinct (**Board Review 06**). The AVL system recorded no vehicles in the incident area during the incident time and date.

The investigation obtained the roll calls and Daily Vehicle Assignment Sheet (DVAS) for the 42nd Precinct (**Board Review 07**). According to the Tour 3 roll call, four officers were assigned to anti-crime teams during this incident. All four of these officers were white or Hispanic males, and the roll call does not specify which vehicle(s) the officers were assigned to. According to the DVAS, none of the Precinct's unmarked vehicles were in the field during this incident.

The investigation obtained the roll calls and Daily Vehicle Assignment Sheet (DVAS) for the 48th Precinct (**Board Review 08**). According to the Tour 1 roll call, six officers were assigned to two three-person anti-crime teams during this incident. The roll call labels each officer by their assigned vehicle number, indicating possible teams. One of these teams consisted of three white or Hispanic male officers, while the second team contained a female officer and a black male officer. According to the DVAS, six unmarked vehicles were in use by anti-crime units during the incident tour, including the two vehicles mentioned on the roll call.

The investigation obtained the roll call for Patrol Boro Bronx's anti-crime units (**Board Review 09**). According to the roll call, nine officers were assigned to three three-person anti-crime teams during this incident, all of which were white or Hispanic males.

The investigation obtained the roll call and movement log for the Bronx Gang Squad (**Board Review 10**). According to these documents, while numerous officers were working on the incident date, none of their work hours overlapped with the incident itself.

The investigation obtained the roll call and movement log for the Bronx Narcotics Boro (**Board Review 11**). According to these documents, no narcotics officers were working on the incident date.

The investigation obtained the roll call for SRG's Bronx anti-crime units (**Board Review 12**). According to the roll call, there were 19 officers working during the incident, split up into five three-person teams and one four-person team. Of the 19 officers, only one was not a white or Hispanic male.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the third CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(b)

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- According to the New York City Office of the Comptroller, no Notice of Claim has been filed regarding this incident.
- § 87(2)(b)

Squad No.: 10

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date